

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q77711
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____	Application Number 10/673,458	Filed September 30, 2003
	Confirmation Number: 2008 First Named Inventor Michel CHEVANNE	
Signature Typed or printed name	Art Unit 2452	Examiner Tauqir HUSSAIN

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

☒ The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

CORRESPONDENCE ADDRESS

Direct all correspondence to the address for SUGHRUE MION, PLLC filed under the Customer Number listed below:

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

I am the

<input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. <input type="checkbox"/> Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number 51,361 <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	_____ /Ruthleen E. Uy/ Signature _____ Ruthleen E. Uy Typed or printed name _____ (202) 293-7060 Telephone number _____ September 16, 2011 Date
--	--

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

<input checked="" type="checkbox"/> *Total of <u> 1 </u> form is submitted.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q77711

Michel CHEVANNE, et al.

Appln. No.: 10/673,458

Group Art Unit: 2452

Confirmation No.: 2008

Examiner: Tauqir HUSSAIN

Filed: September 30, 2003

For: SYSTEM FOR DISPLAYING NETWORK EQUIPMENT GRAPHICALLY AND
HIERARCHICALLY, FOR USE IN A COMMUNICATION NETWORK MANAGEMENT
SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's
Advisory Action dated September 8, 2011 and the Final Office Action dated May 19, 2011, Applicant
files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a
Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-5, 6 and 9-17 are all the claims pending in the application.

I. Claim Rejections- 35 U.S.C. § 103

Claims 1-6 and 9-17 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Chari et
al. (Patent No. US 6151023 A1), hereinafter "Chari" in view of Toyoshima et al. (US 6298349 B1),
hereinafter "Toyoshima".

Claim 1

The Examiner asserts that Chari teaches the elements of claim 1, except “wherein the data of the elements is displayed after realigning position data of the data of the elements or after the end of a procedure,” and cites Toyoshima to cure the deficiency. However, Applicant submits that Chari does not teach the elements of claim 1, and Toyoshima does not cure the deficiencies of Chari.

Claim 1 recites:

a plurality of elements, which are components of the network equipments of the communication network, associated with hierarchical levels, wherein each element is associated with a set of primary data stored in a memory, **said primary data representing the element in the level to which said element belongs without any specific attachment to any level higher than said element** and at least one set of secondary data stored in said memory, said **secondary data representing the element within the level to which said element belongs and the element’s connection to a level higher than or equal to the level of said element in the hierarchy**

The Examiner asserts that Figs. 4 and 6 and col. 13, lines 22-26 teach these aspects of the claim. Applicant notes that the Examiner did not particularly identify which aspect of Chari was being cited for teaching the claimed secondary data.

Chari is directed to the display of system information. Specifically, Chari is directed to an apparatus for organizing and displaying management information regarding the hardware and software components in a computer network. The aspects of Chari cited by the Examiner describe that after the Server Module 420 and the MIB Manager Module 402 are created, Maestro 400 displays the System Management Window 600. All server management functions may be provided through this window. In one embodiment, the System Management Window 600 is divided into a left part 602 and a right part 604.

Assuming the Examiner is citing the right part of the window 604 for teaching the primary data and the Examiner is citing the left part of the window 604 for teaching the secondary data, Applicant

submits that the right part of the window 604 does not teach the primary data and the left part of the window 604 does not teach the secondary data.

`MIB Tree` is displayed in the left part 602. In block 1002, the SNMP Window Module 416 then displays the server name 200 in the left part 602 of the System Management Window 600. In blocks 1004 and 1006, the MIB Manager Module 402 looks for the server's major subsystems using the MIB Section Module 404. These subsystems are displayed under the server name 606 and the type of server 608. The System Management Window 600 also displays icons of the eight major subsystems on the right part 604 of the window. See col. 13, lines 55-60.

Therefore, the eight major subsystems are displayed on both the left and right part of the window. Consequently, Chari does not teach that the primary data (right part of window) represents the element in the level to which the element belongs without any specific attachment to any level higher than said element, or that the secondary data represents the element within the level to which the element belongs and the element's connection to a level higher than or equal to the level of said element in the hierarchy, since the left and right part of Chari does not distinguish between the element and its relationship to other levels.

Claim 1 further recites “accessing and extracting from the memory at least one of the sets of primary and secondary data of the elements of the equipment **that belong to a designated level and to levels lower** than said equipment **when a request designating a chosen level of a network equipment with attachment is received**.” The Examiner asserts that col. 11, lines 10-18 teaches this aspect of the claims.

The aspects of Chari cited by the Examiner describe the EnumServer Module 414. The EnumServer Module 414 discovers and identifies the number of servers 136 in the system. The EnumServer Module 414 may store information in the memory of the microprocessor 102. The EnumServer Module 414 is a local module, but it is global in the sense that it is accessible from

anywhere in the system. For example, if there are multiple servers, the EnumServer Module 414 may act as a repository of server information.

However, there is no teaching or suggestion of accessing and extracting at least one of the sets of primary (right part of window 604 as cited by the Examiner) and secondary data (left part of window 602 as cited by the Examiner) of the elements of the equipment (eight major subsystems as cited by the Examiner) from the EnumServer Module 414 (memory as cited by the Examiner).

Claim 1 also recites management means for accessing and extracting from the memory the at least one of the sets of primary and secondary data of the elements of the equipment that **belong only to a designated level** when a request designating a chosen level of a network equipment without attachment is received. The Examiner asserts that col. 15, lines 17-19 and col. 13, lines 6-12 teach this aspect of the claim.

The aspects of Chari cited by the Examiner describe that the MIB Section Module 402 and the MIB Variable Module 406 will retrieve the values of the MIB variables associated with those other device groups or subsystems. However, there is no teaching or suggestion of accessing and extracting from the memory (EnumServer Module 414) the at least one of the sets of primary (right part of window 604 as cited by the Examiner) and secondary data (left part of window 602 as cited by the Examiner) of the elements of the equipment that belong only to a designated level when a request designating a chosen level of a network equipment without attachment is received. As discussed above, Chari does not teach the relationship between the primary and secondary data and levels of network equipment.

Claim 1 also recites “wherein said management means refreshes the data of the elements displayed in the event of receiving a message reporting that an event relating to said elements has occurred within the network.” The Examiner asserts that col. 16, lines 53-63 of Chari teaches this aspect of the claims.

The aspects of Chari cited by the Examiner describe changing the value of a variable. There is no teaching or suggestion that a management means **refreshes the data of the elements displayed** in the event of receiving a message reporting that an event relating to said elements has occurred within the network.

The Examiner concedes that Chari does not teach “wherein the data of the elements is displayed after realigning position data of the data of the elements or after the end of a procedure,” and cites Toyoshima to cure the deficiency.

Toyoshima describes that when a managed device 3 which is displayed on a display device is designated by a system administrator, the system management program requests the designated managed device 3 to transmit resource data that indicates software or hardware resources possessed by the managed device.

Therefore, Toyoshima describes a managed device providing the resources it possesses. There is no teaching or suggestion that the data of the elements is displayed after realigning position data of the data of the elements or after the end of a procedure.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claim 9 recites similar subject matter, claim 9 and its dependent claims should be deemed allowable for at least the same reasons.

Respectfully submitted,

/Ruthleen E. Uy/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Ruthleen E. Uy
Registration No. 51,361

Date: September 16, 2011